



**ADMINISTRATIVE ESTABLISHMENT OF SUPPORT OBLIGATIONS  
IMPLEMENTATION REPORT**

**JUNE 30, 2002**





**ADMINISTRATIVE ESTABLISHMENT OF SUPPORT OBLIGATIONS  
IMPLEMENTATION REPORT**

**JUNE 30, 2002**



# TABLE OF CONTENTS

<b>LIST OF FIGURES</b> .....	<b>i</b>
<b>LIST OF TABLES</b> .....	<b>i</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>iii</b>
<b>METHOD</b> .....	<b>1</b>
INTRODUCTION AND AUTHORITY.....	1
OBJECTIVE.....	1
ESTABLISHING TREATMENT GROUPS.....	1
PERFORMANCE.....	2
EFFECTIVENESS.....	2
CUSTOMER SERVICE.....	2
<b>ESTABLISHMENT PROCEDURES</b> .....	<b>3</b>
JUDICIAL ESTABLISHMENT PROCEDURE .....	3
ADMINISTRATIVE ESTABLISHMENT PROCEDURE .....	3
<b>PERFORMANCE</b> .....	<b>5</b>
STATUTORY CRITERIA FOR CASES TO BE INCLUDED IN PILOT STUDY.....	5
REASONS FOR REMOVING CASES FROM PILOT STUDY .....	5
TYPE OF SERVICE OF PROCESS .....	6
INTERIM RESULTS OF ELIGIBLE CASES .....	7
DESCRIPTION OF FINAL ORDERS.....	7
TIME TO ORDER .....	8
REASONS FOR CLOSING PILOT CASES .....	10
<b>ORDER EFFECTIVENESS</b> .....	<b>11</b>
COLLECTION ACTIVITY .....	11
ENFORCEMENT ACTIVITY .....	12
<b>PILOT COSTS</b> .....	<b>13</b>
<b>APPENDIX</b> .....	<b>14</b>



## LIST OF FIGURES

FIGURE 1: TYPE OF SERVICE OF PROCESS .....	6
FIGURE 2: INTERIM RESULTS OF ELIGIBLE CASES .....	7
FIGURE 3: TIME TO FINAL ORDER FOR PILOT CASES .....	8
FIGURE 4: TIME TO FINAL ORDER (VOLUSIA AND BREVARD).....	9
FIGURE 5: MONTHLY COLLECTIONS .....	11

## LIST OF TABLES

TABLE 1: CASES ASSIGNED TO PILOT.....	5
TABLE 2: REASONS FOR REMOVAL FROM PILOT .....	5
TABLE 3: TYPE OF SERVICE OF PROCESS .....	6
TABLE 4: CONTACT WITH NONCUSTODIAL PARENTS.....	6
TABLE 5: INTERIM RESULTS OF ELIGIBLE CASES .....	7
TABLE 6: DESCRIPTION OF FINAL ORDERS.....	7
TABLE 7: TIME TO FINAL ORDER .....	8
TABLE 8: REASONS FOR PILOT CASE CLOSURES .....	10
TABLE 9: MONTHLY COLLECTION ACTIVITY.....	11
TABLE 10: CUMULATIVE COLLECTION ACTIVITY (FYD) .....	12
TABLE 11: ACTIVITY COST BREAKDOWNS .....	13





## **EXECUTIVE SUMMARY**

The State of Florida has approximately 700,000 Title IV-D child support cases. Approximately 300,000 of these cases need to have a child support order established. In 2001, the Legislature required the Department of Revenue to conduct a pilot of an administrative support order establishment procedure. Many other states have used similar procedures for over twenty years and have achieved higher levels of performance in the percentage of cases with a support order in comparison to Florida. The pilot was designed to test a supplemental procedure to establish support orders, in certain cases, and to determine whether an administrative procedure could be successfully implemented in Florida.

Chapter 2001-158, L.O.F., required the Department of Revenue Child Support Enforcement Program to conduct the pilot in one county. Volusia County met the demographic profile set out in the statute. In order to implement the pilot, partnerships were developed or expanded within Volusia County. Representatives of the Volusia County Clerk of the Court, local judges, the Volusia County Sheriff's office, and the local legal service provider all participated with the Department of Revenue Child Support Enforcement Program to make the pilot project successful. Each partner provided input and assistance in developing the new activity steps, procedures, and forms. The Division of Administrative Hearings worked with the Department to establish a new procedure for handling cases in which the noncustodial parent requested a hearing by an administrative law judge. Local courthouse facilities were made available for these hearings to take place in Volusia County.

Preliminary results of the pilot project show that Florida was able to develop an administrative support establishment procedure that produced orders in less time than the current judicial procedure for the cases meeting the statutory criteria. Over 68% of the administrative test group achieved an order in an average of 67 days. Only 49% of the judicial control group reached an order in an average of 97 days. Additional tracking of the new support orders shows that the level of collections for cases with administrative orders is comparable to that of cases with judicial orders. The Department has also successfully implemented a new procedure for completing the service of process by certified mail. Service of process is required as an initial step in establishing the order and certified mail service helped reduce the time and cost required to establish a support order.

In 2002, the Legislature required the Department to implement the administrative procedure statewide. The lessons learned in the Volusia County pilot are being used in the statewide implementation effort. The pilot also helped the Department to identify additional screening steps that will help identify cases that are eligible for the administrative procedure and cases that may be better suited to be handled through the judicial procedure.

While a single county's pilot results are not appropriate to use in making estimates of statewide implementation results, the Volusia County pilot does provide valuable information to the Department for setting target projections for time, performance, and outcome results. Study results on all cases in both treatment groups will be finalized in October of 2002 and the Department will work with the Office of Program Policy and Governmental Accountability (OPPAGA) as they produce a final report on the efficiency and effectiveness the Volusia County pilot by June 30, 2003.



# METHOD

## INTRODUCTION AND AUTHORITY

Chapter 2001-158, L.O.F., required the Department of Revenue Child Support Enforcement Program to conduct a pilot of an administrative support establishment procedure in one county in the state for the period of July 1, 2001 to June 30, 2004 [s. 409.2563, F.S.]. Volusia County met the demographic profile set out in the statute and was established as the pilot county. The pilot provided information to be used in a comprehensive analysis of the cost effectiveness and productivity of the administrative procedure versus the judicial procedure. The pilot began July 1, 2001, and new cases last entered the pilot pool on May 7, 2002. The Department was required to complete an implementation report by June 30, 2002 and the Office of Program Performance and Government Accountability was tasked with completing a final evaluation of the pilot by June 30, 2003.

The following report is a summary of the interim information available on the child support cases involved in the pilot. The analysis covers cases entering the pilot July 1, 2001 through February 1, 2002 and the results of the support order establishment procedures used in both study groups (judicial and administrative).

## OBJECTIVE

Identify, measure and compare the administrative and judicial procedures in Volusia County to determine the most productive and cost effective way of producing support orders. Cost and performance information will be analyzed along with customer satisfaction surveys.

## ESTABLISHING TREATMENT GROUPS

All eligible cases (where paternity was established for all children and there was no existing support order) in Volusia County were randomly assigned to either the administrative caseload (test group) or the judicial caseload (control group). Cases assigned to both groups were entered into a Microsoft Access database. Administrative cases were tracked using the database as well as the FLORIDA system. Judicial cases were tracked using the FLORIDA system. Approximately 300 existing cases and newly opened cases were assigned to the test and control groups during the evaluation period.

The Department produced a cost profile of both the judicial and administrative procedures in Volusia County. The Department identified child support enforcement activities, full time equivalent positions, vendors, and materials directly related to producing orders for cases meeting the pilot criteria.

- **Staff costs** were computed by conducting time studies of all procedural steps and computing time expended to complete the tasks associated with each case. Salary, expense and benefits were associated with each full time equivalent position.
- **Direct expense costs**, such as postage and travel, were determined from SAMAS accounting information and other purchasing documents.
- **External provider costs**, such as legal services, Division of Administrative Hearings' services, and service of process, were tracked using periodic billing notices received from the vendors. Some of these fees are reimbursed solely by the federal government and are noted in the analysis.

## **PERFORMANCE**

Overall productivity (support orders established) and interim activities for the cases in each treatment group were tracked. An analysis of the overall outcome and critical steps within the procedures was performed. The performance study focused on measuring and comparing the administrative and judicial performance outcomes for similar cases.

Significant outputs for each group were:

- Number of cases assigned to each group
- Number of cases with successful service of process (noncustodial parent notification of support action)
- Number of hearing or informal discussions held
- Number of final support orders established
- Length of time to establish an order

## **EFFECTIVENESS**

Measures, such as the unit cost of establishing an order and the collection ratios of the established orders, provide insight into the effectiveness of the administrative procedure. Total costs coupled with performance outputs provide the measures of cost efficiency that were obtained for each procedure, administrative and judicial.

## **CUSTOMER SERVICE**

A survey of custodial and noncustodial parents will be conducted in July 2002, to determine the overall level of satisfaction with the establishment services provided by the Department. The survey will also seek suggestions for improving communication regarding support establishment procedures. The survey will be a combination of mail and phone follow-up to obtain a reliable response rate. Parents will be asked to rate the level of overall service, professionalism, and communication they received from the Department during the establishment of an order. The survey will include all parents who participated in either the administrative or judicial treatment group during the pilot period.

## **ESTABLISHMENT PROCEDURES**

### **JUDICIAL ESTABLISHMENT PROCEDURE**

In Title IV-D child support cases, a support order may need to be established for the parents. When a Title IV-D child support case is opened, case specific information is gathered from the custodial parent and the custodial parent signs all necessary legal documents for a support order to be established. Once the alleged father or noncustodial parent's location is verified, child support enforcement staff prepare and send a legal referral to the legal service provider. Once the legal referral is received, the legal service provider reviews the information and prepares any additional legal documents necessary to file the action in circuit court. The legal service provider then sends the petition to the Clerk of Court, who files the case.

Once the case has been filed, a summons is sent to a process server to attempt service on the respondent. If the summons is not served, additional summonses and service attempts may be initiated until the respondent is served. A case cannot proceed to final order until service is completed. If the summons is served, the respondent has 20 days to respond to the summons. If no response is filed, a motion for default may be requested by the legal service provider and entered by the Clerk of Court.

Once service is perfected and the respondent has had an opportunity to file an answer or, if appropriate a motion for default is entered, the case is scheduled for a hearing. The legal service provider prepares and sends a notice of hearing. A pre-hearing settlement conference may also be scheduled and held prior to the actual hearing. If no settlement is reached or if a settlement conference does not occur, a hearing is held. Cases that go to hearing may be heard by judges, general masters, or hearing officers. If the hearing results in a final disposition, a recommended and/or final order is issued on the case. In cases heard by general masters and hearing officers, a recommended order is prepared and signed by the general master or hearing officer and is sent to a judge who signs the final order. If a judge presides over the hearing, a final order is issued and the judge signs the final order.

### **ADMINISTRATIVE ESTABLISHMENT PROCEDURE**

In Title IV-D child support cases, a support order may need to be established for the parents. When a Title IV-D child support case is opened, case specific information is gathered from the custodial parent and the custodial parent signs all necessary legal documents for a support order to be established. Once the alleged father or noncustodial parent's location is verified, child support enforcement staff prepare and send a Notice of Proceeding to Administratively Establish a Child Support Order to the noncustodial parent by certified mail, restricted delivery. This serves as notification that an administrative support order proceeding has begun against the noncustodial parent to establish child support. If the certified mail is returned unclaimed, the Notice of Proceeding is sent to a process server to attempt service on the noncustodial parent. If the Notice of Proceeding is not served, additional service attempts may be initiated until the noncustodial parent is served. A case cannot proceed to final order until service is completed.

Once service is completed and the noncustodial parent has had an opportunity to submit financial information, the Department prepares a Proposed Order for Support based on the financial information of both parents. The Proposed Order for Support is sent to both the noncustodial and custodial parents for review. The noncustodial parent has 20 days to review the Proposed Order for Support and respond with a request for an informal discussion with a Department representative or an administrative hearing with the Division of Administrative Hearings. Cases that go to administrative hearing are heard by an administrative law judge.

If the hearing results in a final disposition, a final order is issued and signed by the administrative law judge.

If no request for hearing is filed, the Department renders a Final Administrative Support Order. The order is mailed to both the noncustodial and custodial parents. A certified copy of the Final Administrative Support Order is filed with the county Clerk of the Court.

## PERFORMANCE

### STATUTORY CRITERIA FOR CASES TO BE INCLUDED IN PILOT STUDY

To be eligible for the pilot, child support cases were required to meet specific statutory criteria. Each case assigned to the administrative and judicial caseloads met all of the following criteria: the Department of Revenue was providing Title IV-D child support services; there was no existing court or administrative support order; paternity of the children was established either administratively or by presumption of law; and the custodial parent resided in Volusia County, or if the custodial parent was a nonresident of Florida, the noncustodial parent resided in Volusia County. Beginning July 23, 2001, cases meeting these criteria were assigned to either the administrative caseload or the judicial caseload and included in the study.

**TABLE 1: CASES ASSIGNED TO PILOT**

	ADMINISTRATIVE	JUDICIAL
ASSIGNED	273	270
REMOVED FROM PILOT	31	5
FINAL BALANCE (ELIGIBLE)	242	265

### REASONS FOR REMOVING CASES FROM PILOT STUDY

Although every effort was made to assign only those cases that met the specific criteria outlined above, throughout the course of the study period the need arose to remove some cases from inclusion in the pilot. Removal from the pilot was only done when, due to a change in the circumstances of the case, the case ceased to meet the eligibility requirements. When a case was removed from the pilot, the case continued to its natural end and any appropriate child support services continued normally. In the table above, the total number of cases selected for each caseload is presented along with the number of cases that were removed for various reasons, leaving the number of eligible cases included in the analysis presented in this report.

It should be noted that there is a reason for the discrepancy between the number of cases removed from the administrative caseload and the number of cases removed from the judicial caseload. Cases in the administrative caseload that no longer met one or more of the statutory criteria could not legally to be processed using the administrative procedure.

**TABLE 2: REASONS FOR REMOVAL FROM PILOT**

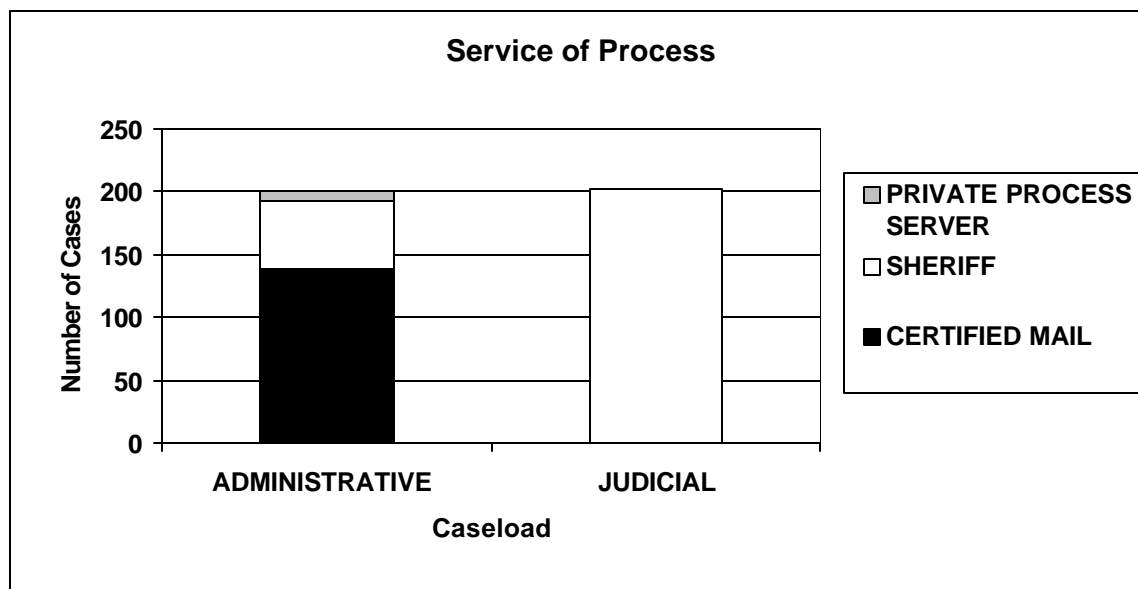
	ADMINISTRATIVE	JUDICIAL
NONCUSTODIAL PARENT INCARCERATED	8	0
PATERNITY ISSUE	5	0
MOVED TO NON-PILOT JUDICIAL CASES	15	4
JURISDICTIONAL CHANGE FROM VOLUSIA COUNTY	2	1
CUSTODIAL PARENT UNCOOPERATIVE	1	0

As is evidenced by Table 2: Reasons for Removal from Pilot, there is a decided difference in the reasons for removing cases from the pilot caseloads. For many of the cases removed from the administrative caseload, the reason was due to a case circumstance that made the case ineligible based on the statutory criteria. For example, if paternity was not legally established the case could not legally be processed using the administrative procedure. Cases were removed from both caseloads if there was a judicial filing or the custodial parent moved from Volusia County or did not provide information necessary to proceed.

## TYPE OF SERVICE OF PROCESS

**TABLE 3: TYPE OF SERVICE OF PROCESS**

	ADMINISTRATIVE	JUDICIAL
CERTIFIED MAIL, RESTRICTED DELIVERY	138	0
SHERIFF	55	203
PRIVATE PROCESS SERVER	8	0



**FIGURE 1: TYPE OF SERVICE OF PROCESS**

One of the main features of the administrative procedure is the ability to serve noncustodial parents through the use of certified mail, restricted delivery. Most of the administrative cases (69%) were served through the use of certified mail, restricted delivery. When certified mail was not successful in serving the noncustodial parent, the local county sheriff or a private process server was employed. In addition, certified mail service of process produced significant savings versus the traditional service of process methods. The certified mail, restricted delivery cost only \$7.14 versus the \$20.00 paid to the sheriff to serve process.

**TABLE 4: CONTACT WITH NONCUSTODIAL PARENTS**

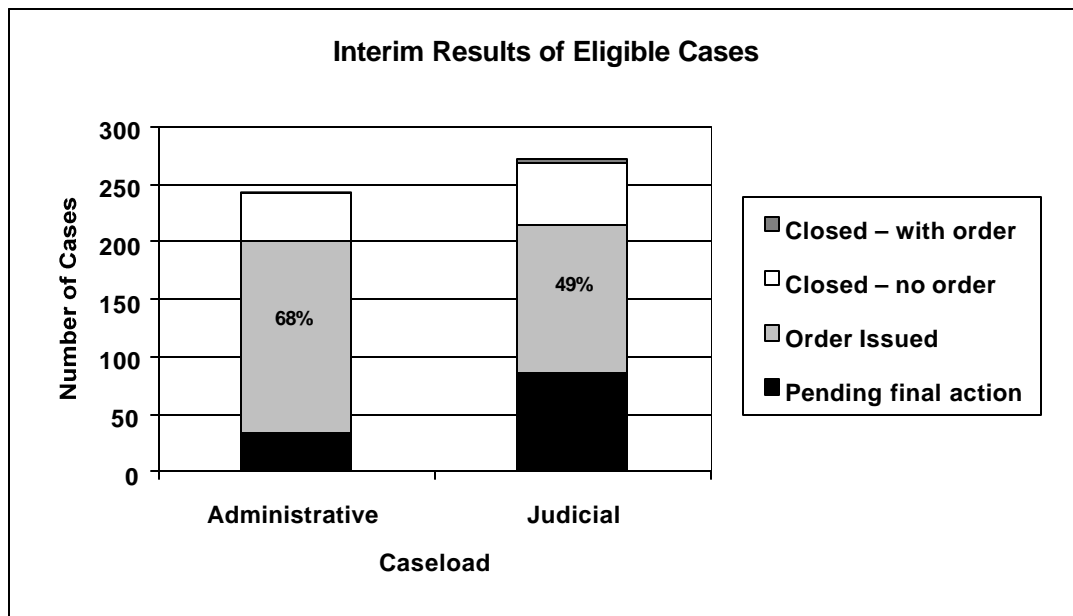
	ADMINISTRATIVE
FINANCIAL INFORMATION RETURNED	55
INFORMAL DISCUSSIONS	8
ADMINISTRATIVE HEARINGS	9

Prior to the issuance of the proposed support order, the noncustodial parent is required to complete and return a financial affidavit. The table above indicates that in 55 of the administrative cases the noncustodial parent met this requirement. After receiving the proposed support order, the noncustodial parent has the option of meeting with the Department to discuss the proposed order, ask questions, sign a consent order, request an administrative hearing, or not contact the Department and allow the final order to be rendered. Very few noncustodial parents requested an informal discussion or an administrative hearing.



**TABLE 5: INTERIM RESULTS OF ELIGIBLE CASES**

	ADMINISTRATIVE	JUDICIAL
PENDING FINAL ACTION	34	85
ORDER ISSUED	166	129
CLOSED – NO ORDER	42	54
CLOSED – WITH ORDER	1	3
TOTAL ELIGIBLE CASES	242	265

**FIGURE 2: INTERIM RESULTS OF ELIGIBLE CASES****INTERIM RESULTS OF ELIGIBLE CASES**

The interim results of the pilot show that Florida was able to develop and implement an administrative procedure that produces orders in less time than the current judicial procedure. Over 68% of the administrative test group had an order established in an average of 63 days, while 49% of the judicial control group reached an order in an average of 97 days.

**TABLE 6: DESCRIPTION OF FINAL ORDERS**

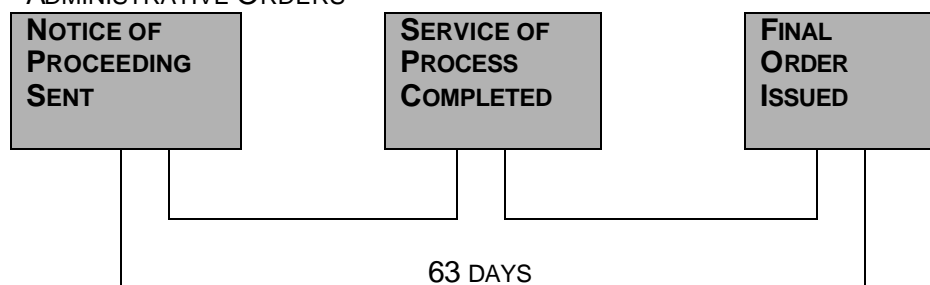
	ADMINISTRATIVE	JUDICIAL
AVERAGE MONTHLY SUPPORT OBLIGATION	\$311.50	\$269.83
AVERAGE RETROACTIVE SUPPORT AMOUNT	\$3,187.28	\$2,602.53

**DESCRIPTION OF FINAL ORDERS**

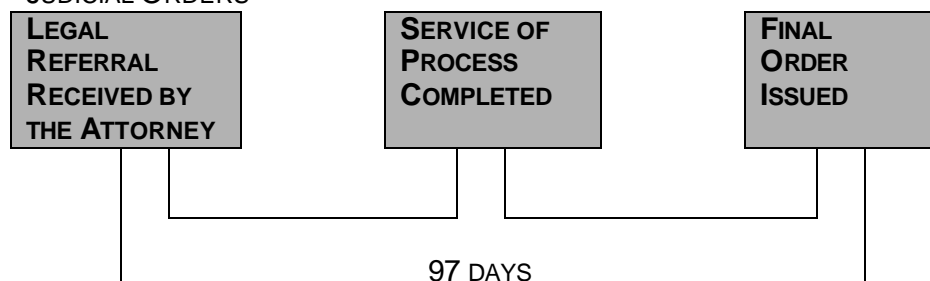
The average monthly support obligation and retroactive support amounts of the final support orders are presented in the table above. The administrative orders appear to be higher than the orders from the judicial caseload. The order amounts for both caseloads were calculated pursuant to the Child Support Guidelines found in s. 61.30, Florida Statutes. Any discrepancies that arose between the amounts were driven only by the income and allowable deductions of the parents and the needs of the child(ren).

## TIME TO ORDER

### ADMINISTRATIVE ORDERS



### JUDICIAL ORDERS



**FIGURE 3: TIME TO FINAL ORDER FOR PILOT CASES**

**TABLE 7: TIME TO FINAL ORDER**

	Administrative	Judicial
1-30 DAYS	7	0
31-60 DAYS	98	6
61-90 DAYS	35	46
91-120 DAYS	19	58
121-150 DAYS	2	13
151-180 DAYS	3	4
180 DAYS OR MORE	2	2
AVERAGE NUMBER OF DAYS TO ISSUANCE OF AN ORDER	62.7	97.3

The administrative procedure produced final child support orders in a significantly shorter period than the judicial procedure. The average number of days for an administrative order to be established was just under 63 days. The average number of days for a judicial order to be established was just over 97 days. The difference-in-means statistical test produced a t-score of  $-9.588$ , which is statistically significant at the .000 level (meaning that we would obtain this t-score by chance in less than 1 in 1,000 attempts). This indicates that the cases handled administratively took significantly fewer days to have an order established than the cases handled judicially.

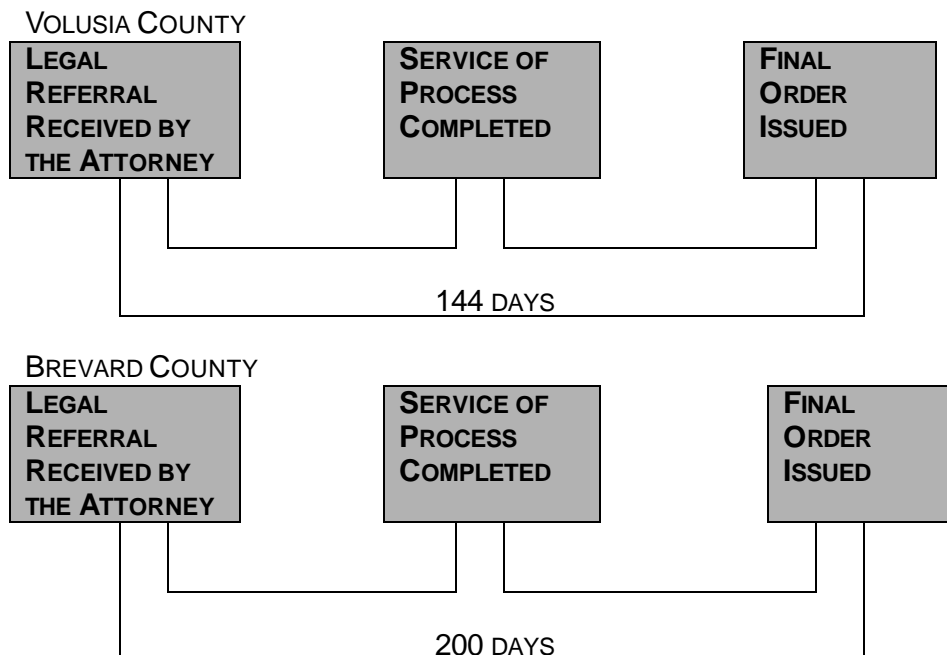
The overall time savings for the administrative procedure is driven by reductions in two key time frames. The average time from the initial notification to the completed service of process is 24 days compared to 33 days in the judicial procedure. And the average time from completed service of process to the issuance of a final order is 43 days (administrative) compared to 70 days (judicial).

Further, Table 7: Time to Final Order, illustrates the difference between the two caseloads. In the administrative caseload, the category appearing most often (the modal category) is the 31-60 days category, while the most frequent category for the judicial caseload is 91-120 days. The median category (meaning the breakpoint for 50% of the cases) for the administrative orders is 31-60 days, while the median category for the judicial orders is 91-120 days.

In summary, although the substance of the orders produced in both the administrative and judicial caseloads is comparable, the administrative orders are produced in a significantly shorter period.

The timeframes generated from the pilot cases were also compared to a two-year period for Volusia County as well as the same time period for Brevard County. Brevard County is comparable geographically and demographically to Volusia County. The analysis used the monthly legal service providers' reports from Volusia County for October 1999 through October 2001 and from Brevard County for July 2001 through February 2002. For both, only support-only orders were included in the analysis. The results are presented below.

When one compares the results below to the timeframes presented in Figure 3: Time to Final Order for Pilot Cases, it is clear that the administrative procedure allows an order to be established in a significantly shorter period. It is important to note that a bulk of the support-only cases from these time periods would have been eligible for the administrative procedure. While it is true that different counties would produce different timeframes, it is clear from the Brevard County timeframes that the estimated time savings when looking only at Volusia County cases is conservative.



**FIGURE 4: TIME TO FINAL ORDER (VOLUSIA AND BREVARD)**

## REASONS FOR CLOSING PILOT CASES

Through the natural course of a child support case, case circumstances can change or a custodial parent may request the Department to cease providing child support services. When this occurs, the Department closes its child support case. It should be pointed out that cases can close prior to and after receiving a final support order. While many of the same reasons apply to case closures before and after an order has been entered, a lower percentage of cases close when there is a support order in place. Only one case handled administratively and three cases handled judicially closed once a support order was established. Although there were circumstances under which these cases needed to be closed, it was clearly a very rare occurrence.

In the administrative caseload, the major reason for closing a child support case was due to the request of the custodial parent. For whatever reason, if a custodial parent chooses not to pursue a child support action, is not currently receiving public assistance, and there is no retroactive support to be paid to the state, the custodial parent can request that the Department close the case. As is evidenced by the following table, a few cases were closed when the parties reconciled or the custodial parent no longer had custody of the child(ren) involved in the case.

In the judicial caseload, the reasons for case closures are largely similar to the reasons for closing cases in the administrative caseload. Indeed, the Parties Reconciled category is the only category that stands out as significantly different between the two caseloads. Otherwise, the two caseloads are very similar in terms of the reasons for case closures.

**TABLE 8: REASONS FOR PILOT CASE CLOSURES**

	ADMINISTRATIVE	JUDICIAL
UNABLE TO PURSUE NCP	2	4**
PARTIES RECONCILED	7	17
CP UNCOOPERATIVE/REQUESTS CLOSURE	20*	23***
CUSTODY CHANGE	11	10
JURISDICTIONAL CHANGE FROM VOLUSIA	3	1
PETITION FOR SUPPORT DENIED	0	2
TOTAL CASES CLOSED	43	57

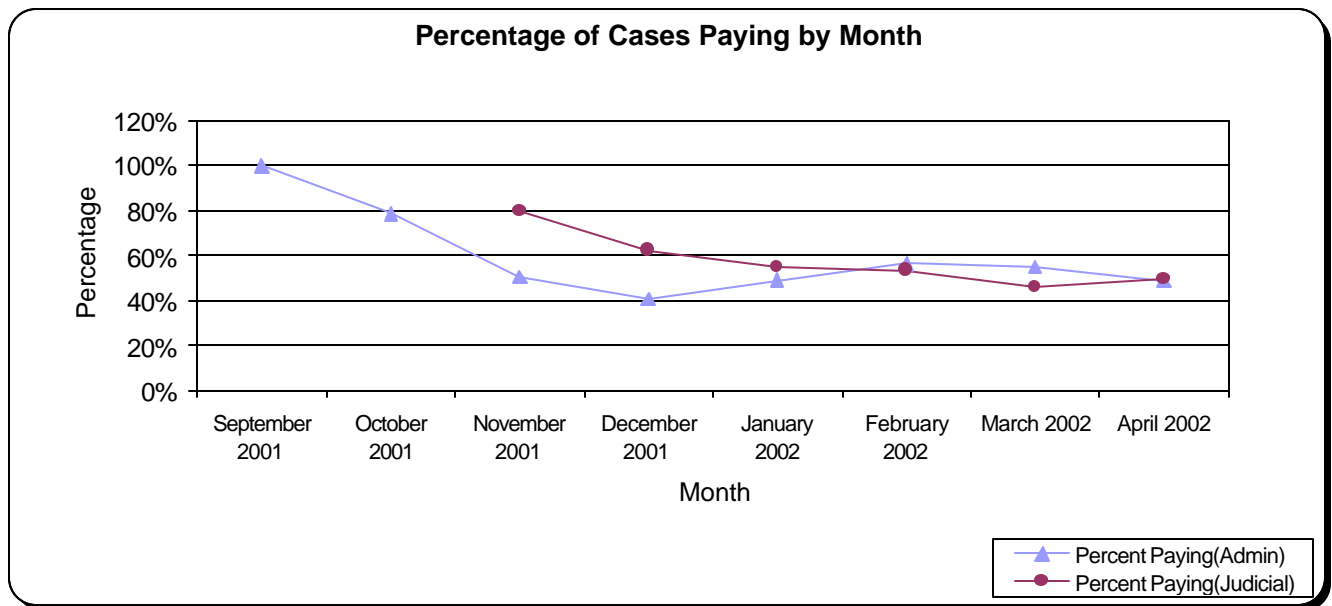
\*1 case closed with order

\*\*2 cases closed with orders

\*\*\*1 case closed with order

## ORDER EFFECTIVENESS

### COLLECTION ACTIVITY



**FIGURE 5: MONTHLY COLLECTIONS**

**TABLE 9: MONTHLY COLLECTION ACTIVITY**

ADMINISTRATIVE	SEP 2001	OCT 2001	NOV 2001	DEC 2001	JAN 2002	FEB 2002	MAR 2002	APR 2002
DUE TO PAY	2	14	59	93	112	131	142	155
PAYING	2	11	30	38	55	74	78	75
PERCENT PAYING (ADMIN)	100%	79%	51%	41%	49%	56%	55%	48%
JUDICIAL	SEP 2001	OCT 2001	NOV 2001	DEC 2001	JAN 2002	FEB 2002	MAR 2002	APR 2002
DUE TO PAY			5	32	51	71	87	103
PAYING			4	20	28	38	40	51
PERCENT PAYING (JUDICIAL)			80%	63%	55%	54%	46%	50%

The monthly payment activity was tracked for the cases in both groups to determine if the type of order affected payment activity. The results indicate that little difference exists between the payment activity of noncustodial parents with administrative or judicial orders. The average monthly collection rates for both groups are similar, averaging just over 50%.

**TABLE 10: CUMULATIVE COLLECTION ACTIVITY (FYD)**

	ADMINISTRATIVE		JUDICIAL	
	CASES	DOLLARS	CASES	DOLLARS
DUE TO PAY	160	\$224,962.04	105	\$80,706.22
PAYING	106	\$124,692.55	65	\$47,613.28
COLLECTION PERCENT	66%	55%	62%	59%

Cumulative collection activity was also compared between the two groups and was also found to be similar. Both the percentages of cases paying support and the dollars paid were comparable. Part of the stable payment rate is due to the fact that over 70% of the noncustodial parents in each group had income withholding notices issued to their employers. While, some noncustodial parents have discontinued their employment, the majority have remained employed and have the support paid through income withholding. However, it should be noted that because administrative orders were generated in less time more payments were collected for a greater number of families. Further study will need to be conducted to determine if there are any long-term differences in noncustodial parent payment activity.

#### **ENFORCEMENT ACTIVITY**

Cases in the pilot will be tracked for an additional year after the establishment of the order to determine if the need for enforcement actions differs between cases. Currently over 90 administrative cases and 25 judicial cases have had some type of enforcement action. However, these interim results are inconclusive and further study is needed to determine if the differences are significant. Much of the early difference appears to be related to the age of the orders and not the procedure used to establish the order.

## PILOT COSTS

**TABLE 11: ACTIVITY COST BREAKDOWNS**

### **DIRECT COSTS**

<b>ADMINISTRATIVE ACTIVITY</b>	<b>TOTAL</b>
CERTIFIED MAIL (SERVICE OF PROCESS) *	\$7.14
REGULAR MAIL (CUSTODIAL PARENT NOTICE) *	\$0.57
MAIL PROPOSED ORDER (CUSTODIAL & NONCUSTODIAL PARENT) *	\$2.06
MAIL FINAL ORDER (CUSTODIAL & NONCUSTODIAL PARENT) *	\$2.06
PRODUCTION COST PER CASE	<b>\$11.83</b>

### **STAFF COSTS**

<b>ACTIVITY</b>	<b>TOTAL</b>
STAFF TIME (136 MINUTES)	
STAFF COST PER CASE	<b>\$34.00</b>

### **FUNDING SOURCE**

FEDERAL	\$30.25
STATE	\$15.58
COUNTY	\$0.00

<b>JUDICIAL ACTIVITY</b>	<b>TOTAL</b>
SHERIFF (SERVICE OF PROCESS)**	\$20.00
LEGAL SERVICE PROVIDER—CASE DEVELOPMENT*	\$6.00
LEGAL SERVICE PROVIDER—ESTABLISH IV-D ORDER*	\$70.00
PRODUCTION COST PER CASE	\$96.00

### **STAFF COSTS**

<b>ACTIVITY</b>	<b>TOTAL</b>
STAFF TIME (104 MINUTES)	
STAFF COST PER CASE	<b>\$26.00</b>

### **FUNDING SOURCE**

FEDERAL	\$80.52
STATE	\$34.68
COUNTY	\$6.80

Note: \*Federal share 66%, state share 34%. \*\*Federal share 66%, county share 34%

The costs reflected in these tables are the normal activity costs per case for each procedure.

Clerk of Court and Judicial Hearing costs are currently unavailable.

Other incidental costs for judicial cases, such as discovery, interim orders, deposition, etc., are not included as they pertain to a limited number of cases. Division of Administrative Hearings' costs are not included as they pertain to approximately 3% of the administrative cases.

<b>ACTIVITY</b>	<b>TOTAL</b>
REGISTRATION OF FINAL ORDER WITH CLERK OF COURT*	UNDETERMINED
EXTERNAL COST PER CASE	UNDETERMINED

<b>ACTIVITY</b>	<b>TOTAL</b>
FILING AND MAINTENANCE WITH CLERK OF COURT*	UNDETERMINED
JUDICIAL HEARING	UNDETERMINED
EXTERNAL COST PER CASE	UNDETERMINED





## APPENDIX

### Chapter 2001 – 158, L.O.F.

#### 409.2563 Pilot program for administrative establishment of child support obligations.--

(1) DEFINITIONS.--As used in this section, the term:

(a) "Administrative support order" means a final order rendered by or on behalf of the department pursuant to this section establishing or modifying the obligation of a noncustodial parent to contribute to the support and maintenance of his or her child or children, which may include provisions for monetary support, retroactive support, health care, and other elements of support pursuant to chapter 61.

(b) "Caretaker relative" has the same meaning ascribed in s. 414.0252(11).

(c) "Filed" means a document has been received and accepted for filing at the offices of the department by the clerk or any authorized deputy clerk of the department. The date of filing must be indicated on the face of the document by the clerk or deputy clerk.

(d) "Rendered" means that a signed written order is filed with the clerk or any deputy clerk of the department. The date of filing must be indicated on the face of the order at the time of rendition.

(e) "Title IV-D case" means a case or proceeding in which the department is providing child support services within the scope of Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

(f) "Retroactive support" means a child support obligation established pursuant to s. 61.30(17).

Other terms used in this section have the meanings ascribed in ss. 61.046 and 409.2554.

(2) PURPOSE AND SCOPE.--

(a) It is not the Legislature's intent to limit the jurisdiction of the circuit courts to hear and determine issues regarding child support. This section is intended to provide the department with an alternative procedure for establishing child support obligations in Title IV-D cases in a fair and expeditious manner when there is no court order of support.

(b) The administrative procedure set forth in this section concerns only the establishment of child support obligations. This section does not grant jurisdiction to the department or the Division of Administrative Hearings to hear or determine issues of dissolution of marriage, separation, alimony or spousal support, termination of parental rights, dependency, disputed paternity, award of or change of custody, or visitation. This paragraph notwithstanding, the department and the Division of Administrative Hearings may make findings of fact which are necessary for a proper determination of a noncustodial parent's support obligation as authorized by this section.

(c) If there is no support order for a child in a Title IV-D case whose paternity has been established or is presumed by law, the department may establish a noncustodial parent's child support obligation pursuant to this section, s. 61.30, and other relevant provisions of state law.

The noncustodial parent's obligation determined by the department may include any obligation to pay retroactive support and any obligation to provide for health care for a child, whether through insurance coverage, reimbursement of expenses, or both. The department may proceed on behalf of:

1. An applicant or recipient of public assistance, as provided by ss. 409.2561 and 409.2567;
2. A former recipient of public assistance, as provided by s. 409.2569;
3. An individual who has applied for services as provided by s. 409.2567;
4. Itself or the child, as provided by s. 409.2561; or
5. A state or local government of another state, as provided by chapter 88.

(d) Either parent, or a caretaker relative if applicable, may at any time file a civil action in a circuit court having jurisdiction and proper venue to determine the noncustodial parent's child support obligations, if any. A support order issued by a circuit court prospectively supersedes an administrative support order rendered by the department.

(3) JURISDICTION OVER NONRESIDENTS.--The department may use the procedures authorized by this section to establish a child support obligation against a nonresident over whom the state may assert personal jurisdiction under chapter 48 or chapter 88.

(4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE SUPPORT ORDER.--To commence a proceeding under this section, the department shall provide to the custodial parent and serve the noncustodial parent with a notice of proceeding to establish administrative support order and a blank financial affidavit form. The notice must state:

(a) The names of both parents, the name of the caretaker relative, if any, and the name and date of birth of the child or children;

(b) That the department intends to establish an administrative support order as defined in this section;

(c) That both parents must submit a completed financial affidavit to the department within 20 days after receiving the notice, as provided by paragraph (13)(a);

(d) That both parents, or parent and caretaker relative if applicable, are required to furnish to the department information regarding their identities and locations, as provided by paragraph (13)(b);

(e) That both parents, or parent and caretaker relative if applicable, are required to promptly notify the department of any change in their mailing addresses to ensure receipt of all subsequent pleadings, notices, and orders, as provided by paragraph (13)(c);

(f) That the department will calculate support obligations based on the child support guidelines in s. 61.30 and using all available information, as provided by paragraph (5)(a), and will incorporate such obligations into a proposed administrative support order;

(g) That the department will send by regular mail to both parents, or parent and caretaker relative if applicable, a copy of the proposed administrative support order, the department's child support worksheet, and any financial affidavits submitted by a parent or prepared by the department;

(h) That the noncustodial parent may file a request for a hearing in writing within 20 days after the date of mailing or other service of the proposed administrative support order or will be deemed to have waived the right to request a hearing;

(i) That if the noncustodial parent does not file a timely request for hearing after service of the proposed administrative support order, the department will issue an administrative support order that incorporates the findings of the proposed administrative support order, and will send by regular mail a copy of the administrative support order to both parents, or parent and caretaker relative if applicable;

(j) That after an administrative support order is rendered, the department will file a copy of the order with the clerk of the circuit court;

(k) That after an administrative support order is rendered, the department may enforce the administrative support order by any lawful means; and

(l) That either parent, or caretaker relative if applicable, may file at any time a civil action in a circuit court having jurisdiction and proper venue to determine the noncustodial parent's child support obligations, if any, and that a support order issued by a circuit court supersedes an administrative support order rendered by the department.

The department may serve the notice of proceeding to establish administrative support order by certified mail, return receipt requested. Alternatively, the department may serve the notice by any means permitted for service of process in a civil action. For purposes of this section, an authorized employee of the department may serve the notice and execute an affidavit of service. Service by certified mail is completed when the certified mail is received or refused. The department shall provide the custodial parent or caretaker relative with a copy of the notice by regular mail to the last known address of the custodial parent or caretaker.

#### (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

(a) After serving notice upon the noncustodial parent in accordance with subsection (4), the department shall calculate the noncustodial parent's child support obligation under the child support guidelines as provided by s. 61.30, based on any timely financial affidavits received and other information available to the department. If either parent fails to comply with the requirement to furnish a financial affidavit, the department may proceed on the basis of information available from any source, if such information is sufficiently reliable and detailed to allow calculation of guideline amounts under s. 61.30. If the custodial parent receives public assistance and fails to submit a financial affidavit, the department may submit a financial affidavit for the custodial parent pursuant to s. 61.30(15). If there is a lack of sufficient reliable information concerning a parent's actual earnings for a current or past period, it shall be presumed for the purpose of establishing a support obligation that the parent had an earning capacity equal to the federal minimum wage during the applicable period.

(b) The department shall send by regular mail to both parents, or to a parent and caretaker relative if applicable, copies of the proposed administrative support order, its completed child support worksheet, and any financial affidavits submitted by a parent or prepared by the department. The proposed administrative support order must contain the same elements as required for an administrative support order under paragraph (7)(e).

(c) The department shall provide a notice of rights with the proposed administrative support order, which notice must inform the noncustodial parent that:

1. The noncustodial parent may, within 20 days after the date of mailing or other service of the proposed administrative support order, request a hearing by filing a written request for hearing in a form and manner specified by the department;
2. If the noncustodial parent files a timely request for a hearing, the case shall be transferred to the Division of Administrative Hearings, which shall conduct further proceedings and may enter an administrative support order;
3. A noncustodial parent who fails to file a timely request for a hearing shall be deemed to have waived the right to a hearing, and the department may render an administrative support order pursuant to paragraph (7)(b);
4. The noncustodial parent may consent in writing to entry of an administrative support order without a hearing;
5. The noncustodial parent may, within 10 days after the date of mailing or other service of the proposed administrative support order, contact a department representative, at the address or telephone number specified in the notice, to informally discuss the proposed administrative support order and, if informal discussions are requested and held within a reasonable time, the time for requesting a hearing will be extended until 10 days after the department notifies the noncustodial parent that the informal discussions have been concluded; and
6. If an administrative support order that establishes a noncustodial parent's support obligation is rendered, whether after a hearing or without a hearing, the department may enforce the administrative support order by any lawful means.

(d) If, after serving the proposed administrative support order but before a final administrative support order is rendered, the department receives additional information that makes it necessary to amend the proposed administrative support order, it shall prepare an amended proposed administrative support order, with accompanying amended child support worksheets and other material necessary to explain the changes, and follow the same procedures set forth in paragraphs (b) and (c).

(6) HEARING.--If the noncustodial parent files a timely request for hearing, the department shall refer the hearing request to the Division of Administrative Hearings. Unless otherwise provided by this section, chapter 120 and the division's uniform rules shall govern the conduct of the proceedings. The administrative law judge shall consider all available and admissible information and any presumptions that apply as provided by paragraph (5)(a). A designated employee or other representative of the department, who need not be an attorney, may represent the department as a qualified representative at the hearing.

(7) ADMINISTRATIVE SUPPORT ORDER.--

(a) If a hearing is held, notwithstanding ss. 120.569 and 120.57, the administrative law judge of the Division of Administrative Hearings shall issue an administrative support order, or a final order denying an administrative support order, which constitutes final agency action by the department. The Division of Administrative Hearings shall transmit any such order to the department for filing and indexing.

(b) If the noncustodial parent does not file a timely request for a hearing, the noncustodial parent will be deemed to have waived the right to request a hearing.

(c) If the noncustodial parent waives the right to a hearing, or consents in writing to the entry of an order without a hearing, the department may render an administrative support order.

(d) The department shall send by regular mail a copy of the administrative support order, or the final order denying an administrative support order, to both parents, or a parent and caretaker relative if applicable. The noncustodial parent shall be notified of the right to seek judicial review of the administrative support order in accordance with s. 120.68.

(e) An administrative support order must comply with s. 61.30. The department, after consultation with the Division of Administrative Hearings and the chief judge of the circuit in which the pilot program is located, shall develop a standard form or forms for administrative support orders. An administrative support order must provide and state findings, if applicable, concerning:

1. The full name and date of birth of the child or children;
2. The name of the noncustodial parent and the custodial parent or caretaker relative;
3. The noncustodial parent's duty and ability to provide support;
4. The amount of the noncustodial parent's monthly support obligation for each child;
5. Any obligation to pay retroactive support;
6. The noncustodial parent's obligation to provide for the health care needs of each child, whether through insurance coverage, contribution towards the cost of insurance coverage, payment or reimbursement of health care expenses for the child, or any combination thereof;
7. The beginning date of any required monthly payments and health care coverage;
8. That all support payments ordered must be paid to the Florida State Disbursement Unit as provided by s. 61.1824;
9. That the parents, or caretaker relative if applicable, must file with the department when the administrative support order is rendered, if they have not already done so, and update as appropriate the information required pursuant to paragraph (13)(b); and

10. That both parents, or parent and caretaker relative if applicable, are required to promptly notify the department of any change in their mailing addresses pursuant to paragraph (13)(c).

An income deduction order as provided by s. 61.1301 must be incorporated into the administrative support order or, if not incorporated into the administrative support order, the department shall render a separate income deduction order.

(8) FILING WITH THE CLERK OF THE CIRCUIT COURT; OFFICIAL PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.--The department shall file with the clerk of the circuit court a certified copy of an administrative support order rendered under this section. The depository operated pursuant to s. 61.181 for the county where the administrative support order has been filed shall:

(a) Act as the official recordkeeper for payments required under the administrative support order;

(b) Establish and maintain the necessary payment accounts;

(c) Upon a delinquency, initiate the judgment by operation of law procedure as provided by s. 61.14(6); and

(d) Perform all other duties required of a depository with respect to a support order entered.

(9) COLLECTION ACTION; ENFORCEMENT.--

(a) The department may implement an income deduction notice immediately upon rendition of an income deduction order, whether it is incorporated in the administrative support order or rendered separately.

(b) The department may initiate other collection action 15 days after the date an administrative support order is rendered under this section.

(c) In a subsequent proceeding to enforce an administrative support order, notice of the proceeding that is sent by regular mail to the person's address of record furnished to the department constitutes adequate notice of the proceeding pursuant to paragraph (13)(c).

(d) An administrative support order rendered under this section, until modified by the department or superseded by a court order, may be enforced:

1. In any manner permitted for enforcement of a support order issued by a court of this state, except for contempt; or

2. Pursuant to s. 120.69.

(10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

(a) A noncustodial parent has the right to seek judicial review of an administrative support order or a final order denying an administrative support order in accordance with s. 120.68. The

department has the right to seek judicial review, in accordance with s. 120.68, of an administrative support order or a final order denying an administrative support order entered by an administrative law judge of the Division of Administrative Hearings.

(b) An administrative support order rendered under this section may be enforced by any circuit court in the same manner as a support order issued by the court, except for contempt. If the circuit court issues its own order based on the administrative support order, the circuit court may enforce its own order by contempt. Enforcement by the court, without any change by the court in the support obligations established in the administrative support order, does not supersede the administrative support order or affect the department's authority to modify the administrative support order as provided by subsection (12).

(c) A circuit court of this state, where venue is proper and the court has jurisdiction of the parties, may enter an order prospectively changing the support obligations established in an administrative support order, in which case the administrative support order is superseded and the court's order shall govern future proceedings in the case. Any unpaid support owed under the superseded administrative support order may not be retroactively modified by the circuit court, except as provided by s. 61.14(1)(a), and remains enforceable by the department, by the obligee, or by the court. In all cases in which an administrative support order is superseded, the court shall determine the amount of any unpaid support owed under the administrative support order and shall include the amount as arrearage in its superseding order.

(11) EFFECTIVENESS OF ADMINISTRATIVE SUPPORT ORDER.--An administrative support order rendered under this section remains in effect until modified by the department, vacated on appeal, or superseded by a subsequent court order. If the department closes a Title IV-D case in which an administrative support order has been rendered:

(a) The department shall take no further action to enforce or modify the administrative support order;

(b) The administrative support order remains effective until superseded by a subsequent court order; and

(c) The administrative support order may be enforced by the obligee by any means provided by law.

(12) MODIFICATION OF ADMINISTRATIVE SUPPORT ORDER.--If it has not been superseded by a subsequent court order, the department may modify an administrative support order in a Title IV-D case prospectively, subject to the requirements for modifications of judicial support orders established in chapters 61 and 409, by following the same procedures set forth in this section for establishing an administrative support order, as applicable.

(13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO ADDRESS OF RECORD.--In all proceedings pursuant to this section:

(a) The noncustodial parent and custodial parent must execute and furnish to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, a financial affidavit in the form prescribed in the Florida Family Law Rules of Procedure. An updated financial affidavit must be executed and furnished to the department at the inception

of each proceeding to modify an administrative support order. Caretaker relatives are not required to furnish financial affidavits.

(b) The noncustodial parent, custodial parent, and caretaker relative if applicable, shall disclose to the department, no later than 20 days after receipt of the notice of proceeding to establish administrative support order, and update as appropriate, information regarding their identity and location, including names they are known by; social security numbers; residential and mailing addresses; telephone numbers; driver's license numbers; and names, addresses, and telephone numbers of employers. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each person must provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(c) The noncustodial parent, custodial parent, and caretaker relative, if applicable, have a continuing obligation to promptly inform the department in writing of any change in their mailing addresses to ensure receipt of all subsequent pleadings, notices, payments, statements, and orders, and receipt is presumed if sent by regular mail to the most recent address furnished by the person.

(14) JUDICIAL PLEADINGS AND MOTIONS.--A party to any subsequent judicial proceeding concerning the support of the same child or children shall affirmatively plead the existence of, and furnish the court with a correct copy of, an administrative support order rendered under this section, and shall provide the department with a copy of the initial pleading. The department may intervene as a matter of right in any such judicial proceeding involving issues within the scope of the Title IV-D case.

(15) PROVISIONS SUPPLEMENTAL TO EXISTING LAW.--This section does not limit or negate the department's authority to seek establishment of child support obligations under any other applicable law.

(16) RULEMAKING AUTHORITY.--The department may adopt rules to administer this section.

(17) PILOT PROGRAM.--For the purpose of identifying measurable outcomes, the pilot program shall be located in a county selected by the Department of Revenue having a population of fewer than 500,000, in which the Title IV-D caseload did not exceed 20,000 cases, and the obligation rate was approximately 65 percent at the end of the 1999-2000 fiscal year. The Department of Revenue shall develop measurable outcomes that at a minimum consist of the department's support order establishment performance measures that are applicable to this pilot program, a measure of the effectiveness of the pilot program in establishing support orders as compared to the judicial process, and a measure of the cost efficiency of the pilot program as compared to the judicial process. The Department of Revenue and the Division of Administrative Hearings shall implement the pilot program established by this section on July 1, 2001, or as soon thereafter as practicable. The department shall use the procedures of this section to establish support obligations in Title IV-D cases on behalf of custodial parents or caretaker relatives residing in the county selected for the pilot program. By June 30, 2002, the Department of Revenue shall submit a report on the implementation of the pilot program to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the operation and impact of the pilot program. In evaluating the pilot



program, achievement of the measurable outcomes must be considered. The Office of Program Policy Analysis and Government Accountability shall submit an evaluation report on the pilot program by June 30, 2003, which must include the findings of the evaluation, the feasibility of a statewide program, and recommendations, if any, for establishing a statewide program. The pilot program expires June 30, 2004, unless continued by action of the Legislature.

History.--s. 30, ch. 2001-158.





CS-902010  
N. 06/02